GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

The Biological Diversity Act, 2002 (Central Act No.18 of 2003 – Framing of Guidelines for Biodiversity Heritage Sites – Notification – Orders – Issued.

ENVIRONMENT, FORESTS, SCIENCE AND TECHNOLOGY (SEC.V) DEPARTMENT

G.O.MS.No. 96 Dated: 15-12-2017

Read the following:-

1) G.O.Ms.No.68, Environment, Forests, Science & Technology (For.II) Department, dated 11.05.2006.
2) G.O.Ms.No.70, Environment, Forests, Science & Technology (For.II) Department, dated 21.08.2009.
3) From the Member Secretary, Andhra Pradesh State Biodiversity Board, Letter Ref.No.493/APSBDB/BHS/2015, dated 18.07.2016.
4) From the Member Secretary, Andhra Pradesh State Biodiversity Board, Letter Ref.No.493/APSBDB/BHS/2015, dated 08.03.2017.

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ORDER:-

In the G.O. first read above, Andhra Pradesh State Biodiversity Board has been constituted under section 22 of the Biological Diversity Act, 2002 (Central Act No.18 of 2003).

2. In the G.O. second read above, Biodiversity rules have been framed under section 63 (1) of the Biological Diversity Act, 2002 (Central Act No.18 of 2003 for implementing and carrying out the purposes of the said Act based on the Biodiversity Rules, 2004, notified by the Government of India.

3. In the letters third and fourth read above, the Member Secretary, Andhra Pradesh State Biodiversity Board, has furnished the guidelines and procedure for notifying and maintaining Biological Heritage Sites, and requested to issue orders notifying the same in exercise of the powers conferred by section 37 of the Biological Diversity Act, 2002 (Central act No.18 of 2003) and rule 21 of the A.P. Biological Diversity Rules, 2009.

4. The notification as annexed to this order shall be published in an Extra-Ordinary Issue of the Andhra Pradesh Gazette, dated 15.12.2017.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.ANANTHA RAMU
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner, Printing, Stationer & Stores Purchase (Printing Wing), Andhra Pradesh, Vijayawada. (with a request to publish in the A.P. Extra-ordinary Gazettee and furnish 100 copies to Government.)
The Member Secretary, Andhra Pradesh State Biodiversity Board, Guntur.
Copy to:-
The Ministry of Environment, Forest & Climate Change, Government of India, New Delhi.
The P.S. to Principal Secretary to Government, E.F.S. & T. Department.
Law ( ) Department.
SF/SC.

// FORWARDED: BY ORDER //

SECTION OFFICER

ANNEXURE

(G.O.Ms.No.96 , Environment, Forests, Science & Technology (Sec.V) Department, dated 15.12.2017)

NOTIFICATION

In exercise of the powers conferred by section 37 of the Biological Diversity Act, 2002 (Central Act No.18 of 2003) and sub-rule (2) of rule 21 of the Andhra Pradesh Biological Diversity Rules 2009, the Government of Andhra Pradesh makes the following guidelines for selection and management of Biodiversity Heritage Sites.

1. Introduction

(1) The Biological Diversity Act, 2002 (BDA) under the provisions of section 37 requires the State Biodiversity Boards (SBBs) to notify in the official Gazette and frame rules for the management and conservation of Biodiversity Heritage Sites (BHS).

(2) under sub section (2) of section 37, the State Government, in consultation with the Central Government, may frame rules for the management and conservation of BHS.

(3) under sub section (3) of section 37, the State Governments shall frame schemes for compensating or rehabilitating any person or section of people economically affected by such notification.

(4) considering the above provisions of the Act, the National Biodiversity Authority (NBA) issued guidelines for selection and management of the BHS.

(5) under sub Rule (2) of Rule 21 of the Andhra Pradesh Biological Diversity Rules, 2009, APSBB shall frame guidelines for selection, management and other aspects of Biodiversity Heritage Sites.

(6) considering the above provisions of the Biological Diversity Act, Biological Diversity Rules and Andhra Pradesh Biological Diversity Rules, the APSBB hereby issues the following guidelines for notifying the Biodiversity Heritage Sites in Andhra Pradesh.

2. Importance of Biodiversity Heritage Sites

(1) Biodiversity is closely linked to ecological security and human welfare. To strengthen the biodiversity conservation in traditionally managed areas and to stem the rapid loss of biodiversity in intensively managed areas, such areas need special attention.

(2) Such areas also often represent a positive interface between nature, culture, society, and technologies, such that both conservation and livelihood security are or can be achieved, and positive links between wild and domesticated biodiversity are enhanced.

(3) To have a Biodiversity Heritage Sites in or around a community should be a matter of pride and honour to such community and this virtuous act of community may work as an example to the state and entire nation apart from ensuring availability of the resources to their own future generation. The areas like existing sacred groves in particular can straight away be declared and notified as Biodiversity Heritage Sites.

(4) It is necessary to instil and nurture conservation ethics in all sections of the society. The creation of Biodiversity Heritage Sites will ensure bringing home these values in the society and thereby put an end to over-exploitation of natural resources and avoid environmental degradation.

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(5) The creation of BHS may not put any restriction on the prevailing practices and usages of the local communities, other than those (Agenda for 19th Authority Meeting of National Biodiversity Authority Dt. 04.05.11 at Council of Scientific & Industrial Research, Ghaziabad) voluntarily decided by them. The purpose is to enhance the quality of life of the local communities through this conservation measure.

3. Definition of Biodiversity Heritage Sites (BHS)

(1) "Biodiversity Heritage Sites" (BHS) are well defined areas that are unique, ecologically fragile ecosystems - terrestrial, coastal and inland waters and, marine having rich biodiversity comprising of any one or more of the following components: richness of wild as well as domesticated species or intra-specific categories, high endemism, presence of rare and threatened species, keystone species, species of evolutionary significance, wild ancestors of domestic/cultivated species or their varieties, past pre-eminence of biological components represented by fossil beds and having significant cultural, ethical or aesthetic values and are important for the maintenance of cultural diversity, with or without a long history of human association with them.

All other terms used are as defined in Section 2 of the Biological Diversity Act (2002).

4. The criteria for identification of BHS

(1) The Biodiversity Heritage Sites may be identified in accordance with the definition in Rule - 2 above. Accordingly areas having any of the following characteristics may qualify for inclusion as BHS.

(a) Areas that contain a mosaic of natural, semi-natural, and man-made habitats, which together contain a significant diversity of life forms.

(b) Areas that contain significant domesticated biodiversity component and /or representative agro-ecosystems with ongoing agricultural practices that sustain this diversity.

(c) Areas that are significant from a biodiversity point of view as also are important cultural spaces such as sacred groves/trees and sites, or other large community conserved areas.

(d) Areas including very small ones that offer refuge or corridors for threatened and endemic fauna and flora, such as community conserved areas or urban greens and wetlands.

(e) Areas that provide habitats, aquatic or terrestrial, for seasonal migrant species for feeding and breeding.

(f) All kinds of legal land uses whether government, community or private land could be considered under the above categories.

(g) As far as possible, those sites - which are not covered under Protected Area Network under the Wildlife Protection Act, 1972 as amended, may be considered.

(h) Areas that are maintained as preservation plots by the research wing of Forest department.

(i) Medicinal Plant Conservation Areas.

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5. Identification and Declaration of Biodiversity Heritage Sites

(1) Andhra Pradesh State Biodiversity Board (APSBB) may invite suggestion (or consider those already coming from communities) for declaration of BHSs, through Biodiversity Management Committees and other relevant community institutions including gram sabhas, panchayats, urban wards, forest protection committees and tribal councils. APSBB may undertake wide spread dissemination of information related to the proposed BHS among rural communities, NGOs, farmer/fishermen/tribal/girijan associations, urban groups, research institutions, government agencies, and other organizations, regarding the provision of BHSs, through locally appropriate means. These could include local news papers, radio, holding meetings with the communities, letters to line departments, gram panchayats, local bodies and others. The process may further be achieved through the following:

(a) NGOs and community institutions (including Panchayat Raj institutions, Vana Samrakshana Samithis, or institutions set up for environment and development purposes by communities on their own or under other environmental schemes) to carry out their own process, may also initiate proposals for declaring Biodiversity Heritage Sites.

(b) Consolidation of the suggestions, by the Andhra Pradesh State Biodiversity Board, to come up with a list of areas which can be designated as the Biodiversity Heritage Sites; even while such consolidation is ongoing, suggestions and applications for individual BHSs to be considered as and when they are made.

(c) Public discussions amongst the local bodies, gram sabhas, urban ward committees, and other relevant local institutions, regarding concrete proposals for declaring BHSs, in their area, including the implications such as possible restrictions on resource use; a full attempt to be made to bring on board various sections of society with gender and social representation, in such discussions.

(d) Once approved by the relevant gram sabhas or urban local bodies, APSBB to move for issuing a preliminary notification specifying the boundaries of the BHS, which may require prior surveying and mapping, and specifying also restrictions if any that may be required for management of the BHS. This to be published in the local media inviting suggestions and objections from the interested parties/stakeholders, particularly in case of lands owned by communities and individuals.

(e) Based on the suggestions and objections raised, a team may be constituted by the BMCs/other relevant local institutions/Andhra Pradesh State Biodiversity Board in consultation with the local bodies for conducting studies to gain a clear understanding of the BHS. The team would include the following members (not exceeding 12 individuals) with one member preferably from the local community / selected to head the team:

(i) Knowledgeable or experienced women and men representing all socio-economic groups of the concerned communities, nominated by the relevant rural/urban local bodies.

(ii) One or more NGOs/institutes focusing on ecology/conservation (including conservation biologists familiar with the flora and fauna of the particular BHS).

(iii) One or more NGOs/institutes working on social (gender, livelihood, etc.) issues.

(iv) One or more NGOs/institutes focusing on agriculture.

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(v) Research wing of the agriculture, forest or other relevant department (where appropriate and possible).

(vi) Representatives of Botany, Zoology, Entomology and Mycology departments of nearest College/University.

(f) The above team will conduct a study (over a period of 3 to 6 months) in consultation with the concerned community irrespective of occupation, gender or social strata. Such consultations should inevitably include groups such as forest dwellers, farmers, coastal and pastoral community(ies) and / or other relevant occupations. The study on the following aspects needs to be carried out with the use of community-based PBRs/PRA, participatory mapping, and other possible tools that are considered appropriate by the concerned communities. All state departments are to ensure that they cooperate in this exercise through the provision of relevant information, maps, and other documents that would enhance the productivity of the exercise. The study may include:-

(i) History of land/water bodies ownership/rights, including Common Property Resources (CPRs), administrative control, and land resource use.

(ii) Current status of land ownership, tenure status of and access/rights to CPRs, disputed claims over land/ forests, if any, land and resource use pattern (including biodiversity-based livelihoods), legal and administrative control, rights and responsibilities.

(iii) Community composition, character, socio-economic and gender differentiated dependence on the resources, socio- economicand demographic profile.

(iv) Existing institutions, their characteristics, rules and regulations governing natural resources, and access to decision making by marginalized sections including women.

(v) Ecological profile of the area, critical wildlife and agricultural biodiversity values, and threats and pressures to the biologicaldiversity, if any.

(vi) Use of the area as the corridor or refuge for the wild animals orany other use for the wildlife.

(vii) Cultural (including agricultural) practices followed by the communities affecting the biodiversity (whether positively or / negatively).

(viii) Scope of livelihood generation (including from resource use, community-based eco/tourism, etc.) in the area.

(ix) Impacts of restrictions, if any, on people and on the biodiversity.

(g) Report of the study may be submitted by the team to the BMC or other relevant local institutions linked to the local bodies in case BMC does not exist, which before submitting it to the APSBB may disseminate the findings of the team (in local languages), along with the proposal for declaring the BHS, to the concerned communities and to all stakeholders.

(h) APSBB shall review the document submitted by BHS survey group or BMC or other relevant local institutions linked to the local bodies in case BMC does not exist, and forward the same to the thematic expert committee for offering its' opinion and feedback at the earliest, to the relevant community.

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(i) Final decision on the proposal may be made by the APSBB in consultation with all the stakeholders and subject experts.

(j) Draft notification and announcement for declaring the BHS may be made at the state level in an appropriate manner giving it wide media coverage particularly in the local language.

(k) After 30 days of the draft notification of the BHS, the BMC or other relevant local institutions linked to the local bodies in case BMC does not exist along with the local bodies may conduct a Public Hearing where all details about the BHS should be placed and the comments received from the public recorded and, attempts made to remove aspersions, if any, that they may have on the consequences of declaring the area as BHS. The local community should be taken into confidence assuring that by declaring the BHS their traditional rights and privileges will not be affected. Within three months of conducting the Public Hearing, the Government may issue a notification in this regard, declaring the area as a Biodiversity Heritage Site.

(l) On declaration of the Biodiversity Heritage Sites, the Andhra Pradesh State Biodiversity Board may write to all the concerned Government departments announcing the establishment of the BHS.

(m) While the above process is desirable in all situations, it should be noted that in many situations communities may not be in a position to follow them in view of the urgency for declaration as a BHS to ward off a threat, or for other reasons. In some cases proposals may be coming from a community that has already a proven track record of conservation, and urgently requires the BHS status to consolidate its position. In such situations, the requirement for these detailed studies may be waived for the purpose of the notification, but should be applied subsequent to the notification and no relocations and restrictions to access will be declared till then other than what the community is already imposing upon itself.

6. Management of Biodiversity Heritage Sites

(1) The Biodiversity Management Committee or other appropriate institution(s) as determined by relevant local body in the absence of BMC, which in addition to their duties defined in the Act, may also take care of the management of BHS. Wherever the BHS extends to more than one local body, the management of the BHS shall be the responsibility of the Biodiversity Heritage Site Management Committee constituted by the BMCs or other relevant local institutions linked to the local bodies in case BMC does not exist, and approved by the APSBB.

(2) The committee responsible for the management of the BHS may include representatives of all sections of local communities, and in particular those most dependent on the natural resources as also those who have been traditionally conserving the area.

(3) It may be the responsibility of the Biodiversity Management Committee/Biodiversity Heritage Sites Management Committee to prepare and implement a management plan for the Biodiversity Heritage Sites which should cover a period of five to ten years.

(4) Andhra Pradesh State Biodiversity Board will then recognize and facilitate the implementation of the final management plan. Such facilitation may include directions to all relevant government departments to assist the communities in implementation, including through appropriate changes in their plans and schemes, to eliminate biodiversity damaging practices and to fully enable and empower the communities in conserving biodiversity. Where necessary, orientation programmes may be organized for such departments and NGOs.

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(5) APSBB and concerned government departments will also facilitate the regeneration or revival of degraded or lost ecosystems and taxa, including the reintroduction of threatened/locally extinct wildlife where feasible, and the repatriation of lost/declining domesticated biodiversity from *ex-situ* collections.

(6) Wherever there are existing conservation related management practices serving the purpose of the BHS may be documented and considered as the BHS Management Plan.

(7) Any project/activity to be implemented by government or any other agency, which is likely to have adverse impact on the BHS may be avoided.

(8) Generally no restriction is likely to be placed on the community on the existing utilization of resources from the proposed BHS.

(9) Restriction in form of regulating the use of the resources may be warranted in some cases and such restriction may be totally voluntary on the part of community.

(10) The management structure and utilization of resources for BHS notified on Government forest areas and other government owned areas will be determined by the concerned departments of the State Government.

7. Components of the management plan of BHS

(1) A map of the Biodiversity Heritage Sites with clear administrative boundaries as notified.

(2) The status of ownership

(3) The current land-use pattern, conservation related practices and beliefs, and the dependence of local communities

(4) Major biodiversity in the area and their status as endemic, threatened, endangered or vulnerable

(5) Whether a waterfowl refuge during winter, breeding place for water birds or corridor for any wild animals

(6) The type and quantum of resources being used by the local community and their role/importance in the domestic economy as also the average income from them in situations where they are marketed.

(7) Any shift in the pattern of utilisation during the past 10 years. If so the reason for the same.

(8) Authentic data on the flora, fauna and natural resources in the area

(9) Details of projects, if any, in the area under any government/ international schemes.

(10) The suggestions, if any, from the local communities for the improved conservation of biodiversity, and the betterment of the livelihood by using natural resources.

(11) Threats, present and potential if any, to the Biodiversity Heritage Sites.

(12) Management prescription separately for conservation and, sustainable use of bio-resources to enhance the livelihood of the local community

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(13) A rough projection of the expected outcomes of setting up the BHS, including ecological and social/economic (including, where relevant, estimate of the income expected of on completion of the project).

(14) Estimated time frame for completion of each component of the plan, and rough indicators to judge success of each component.

(15) The above process of management planning must not be one that constrains the wide variety of ways in which communities conserve and manage natural resources. It should also not be considered absolutely necessary to formulate a management plan, if the community has other adequate means of sustaining the effort and if thereby, conservation and sustainable management is taking place. In many situations also, communities may not be in a position to immediately or quickly formulate such a plan, which should not be a reason for not accepting their site as a Biodiversity Heritage Sites.

(16) The Andhra Pradesh State Biodiversity Board on receipt of the Management Plan may refer to the thematic expert committee to evaluate the same, if necessary visit the Biodiversity Heritage Sites and hold consultations with the local communities and the local bodies and obtain their approval of the Management Plan. The Management Plan may also be integrated into the district level planning process, to enable optimum facilitation and funding by relevant government agencies.

(17) On receipt of approved plan, the Andhra Pradesh State Biodiversity Board may accept the same.

(18) Management plan may be periodically reviewed and modified appropriately by the expert committee constituted by the Andhra Pradesh State Biodiversity Board, based on the recommendations of the Biodiversity Management Committee or other relevant local institutions linked to the local bodies in case Biodiversity Management Committee does not exist, and accepted by the Andhra Pradesh State Biodiversity Board. Such modifications shall be brought to the notice of all stakeholders before implementing the same.

8. Monitoring of Biodiversity Heritage Sites

(1) There may be a State-level Monitoring Committee constituted by the Andhra Pradesh Biodiversity Board.

(2) The State level Monitoring Committee may comprise the following chosen out of knowledgeable individuals in the field of conservation of wild and domesticated biodiversity, and related socio-economic aspects, from the following categories:

(a) The Member Secretary of the APSBB, may act as Chairperson of the monitoring committee and CEO, Zilla Parishad may acts Co-Chairperson.

(b) One representative of local community,

(c) An expert having knowledge and experience in the field of forestry/wildlife/agro-biodiversity/aquaculture management or in the area relevant to the particular BHS,

(d) A member of the BMC/BHS management committee concerned or other relevant local institutions linked to the local bodies in case BMC does not exist

(e) A nominee of the Local body/Panchayat concerned

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(f) A representative from Revenue Department.

(g) The State-level Monitoring Committee shall monitor the implementation of management plan periodically and submit a report to the APSBB indicating clearly the extent (in qualitative and where possible quantitative terms) of achievement under each component of the Management Plan and recommendations for improvement. This committee shall monitor the implementation of management plan periodically.

(h) The tenure of the Monitoring Committee may be three years.

9. Budget

(1) Once the BHS is notified by the Andhra Pradesh State Government, the APSBB may seek adequate funding support for initial establishment of BHS from NBA. Simultaneously, the financial requirement of BHS may be included inthe annual budget of the local body(ies). The Andhra Pradesh State Government may also allocate adequate seed money to each BHS on its notification through APSBB. The BMC or other institution which is managing BHS would be recognized as an authorized body to avail the financial assistance under all government schemes and other funding sources as legally permissible. The existing/new interest accruing saving account of BMC or other institution maintained in a nationalized bank or post office is authorized to receive all such amounts. The accounts maintained by the aforesaid institutions managing BHS shall be audited annually as per the rules and as done in case of Local bodies.

(2) The APSBB shall keep the NBA informed of notification of creation/declaration of BHS. The NBA through its expert committees may get the performance audit of the management of BHS.

10. Steps to notify Biodiversity Heritage Sites

(1) Constitution of Biodiversity Management Committees at Gram Panchayath level.

(2) Resolution by Gram Panchayath on declaring Biodiversity Heritage Site.

(3) Completed format with detailed information including Map and Photos submitted to Andhra Pradesh State Biodiversity Board.

(4) Justification for the proposal on BHS provided including opinion of District Forest Officer, CEO-Zilla Parishad, District Collector, etc.

(5) Discussion in the Board Meeting.

(6) Submission of proposal to the Government by the Board for notification of BHS(s)

(7) Necessary order of the State Government notifying the BHS(s).

11. Miscellaneous

(1) The Andhra Pradesh State Biodiversity Board may ensure adequate and sensitive public visibility of the BHSs through popular media, workshops, brochures etc., to ensure consideration of their importance and status. The APSBB may seek funding as required for undertaking aforesaid activities.

G.ANANTHA RAMU
PRINCIPAL SECRETARY TO GOVERNMENT

ANNEXURE 1: PROPOSAL FOR DECLARATION OF BIODIVERSTIY HERITAGE SITE ON REVENUE LAND UNDER BIOLOGICAL DIVERSITY ACT 2002

(For location outside the Reserve Forest, Wildlife Sanctuary and National Park)

1	**Identification of Property**	
a	State	
b	Name of the property	
c	Exact location (Please enclose Map)	
d	Maps/ plans showing boundary of area proposed	
e	Area of site proposed for declaration (Acre)	
2	**Justification for Declaration**	
a	What is the significance of the proposed site?	
b	Why the declaration is proposed give justification	
c	Threat if any (give details)	
3	**Description**	
a	Present status of conservation	
4	**Management**	
a	Ownership	
b	Legal Status	
c	Agency to Manage the site after declaration	
d	Name, Designation and address of responsible person for contact	
e	Sources of expertise	
5	**Factors Affecting the Site**	
a	Pressures on the site (Encroachment, Agriculture etc.)	
b	Environmental Pressures	
c	Visitor / tourism pressures	
6	**Documentation**	
a	Photographs (submit if available)	
b	Existing site management plans if any	
7	**Opinion of other concerned stakeholders**	
8	**Details of disputes if any on the site (give details)**	
9	**General remarks if any**	

Date:
Place:

Signature & Seal
Name:
Address ……. Phone Number…….
Email Address:…….

G.ANANTHA RAMU
PRINCIPAL SECRETARY TO GOVERNMENT